



Paper No. 6

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In re Application of
Jerald C. Seelig, et al.
Application No. 09/967,055
Filed: September 28, 2001
Attorney Docket No. 619.438 ACC.UA-Heads

**OFFICE OF PETITIONS
ON PETITION**

This is a decision on the petition filed January 14, 2002 (certificate of mail date, December 14, 2001) and supplemented on May 2, 2002, to revive the instant nonprovisional application under the unintentional provisions of 37 CFR 1.137(f).

The petition is **GRANTED**.

This application became abandoned pursuant to 35 USC 122 (b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by: (1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;¹ (2) the petition fee as set forth in 37 CFR 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant petition has been found in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days as provided by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

A Corrected Filing Receipt which sets forth the projected publication date of August 8, 2002 accompanies this decision on petition.

This application is being forwarded to Technology Center 3700 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball
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¹The filing of a petition under this section will not relieve applicant of his obligation to reply to any outstanding Office action.